

Subpart GG—New Mexico

§ 52.1620 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (e) of this section with an EPA approval date prior to January 1 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (e) of this section with EPA approval

dates after January 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of January 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) EPA approved regulations.

EPA APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
New Mexico Administrative Code (NMAC) Title 20—Environment Protection Chapter 2—Air Quality				
Part 1	General Provisions	10/27/95	11/25/97, 62 FR 50514	This date reflects a recodification, not EPA approval of underlying requirement.
Part 2	Definitions	11/30/95	11/25/97, 62 FR 50514	
Part 3	Ambient Air Quality Standards ...	11/30/95	11/25/97, 62 FR 50514	
Part 5	Source Surveillance	11/30/95	11/25/97, 62 FR 50514	
Part 7	Excess emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance.	11/30/95	11/25/97, 62 FR 50514	
Part 8	Emissions Leaving New Mexico	11/30/95	11/25/97, 62 FR 50514	
Part 10	Woodwaste Burners	11/30/95	11/25/97, 62 FR 50514	
Part 11	Asphalt Process Equipment	11/30/95	11/25/97, 62 FR 50514	
Part 12	Cement Kilns	11/30/95	11/25/97, 62 FR 50514	
Part 13	Gypsum Processing Plants	11/30/95	11/25/97, 62 FR 50514	
Part 14	Particulate Emissions From Coal Burning Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 15	Pumice, Mica and Perlite Process Equipment.	11/30/95	11/25/97, 62 FR 50514	
Part 16	Nonferrous Smelters (New and Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 17	Nonferrous Smelters (Existing)-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 18	Oil Burning Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 19	Potash, Salt or Sodium Sulfate Processing Equipment-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 20	Lime Manufacturing Plants-Particulate Matter.	11/30/95	11/25/97, 62 FR 50514	
Part 21	Fugitive Particulate Matter Emissions from Nonferrous Smelters.	11/30/95	11/25/97, 62 FR 50514	
Part 22	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley.	11/30/95	11/25/97, 62 FR 50514	
Part 30	Kraft Mills	11/30/95	11/25/97, 62 FR 50514	

EPA APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
Part 31	Coal Burning Equipment-Sulfur Dioxide.	11/30/95	11/25/97, 62 FR 50514	Subparts I, II, III, and V in SIP.
Part 32	Coal Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 33	Gas Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 34	Oil Burning Equipment-Nitrogen Dioxide.	11/30/95	11/25/97, 62 FR 50514	
Part 40	Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions.	11/30/95	11/25/97, 62 FR 50514	
Part 41	Nonferrous Smelters-Sulfur	11/30/95	11/25/97, 62 FR 50514	
Part 60	Open Burning	11/30/95	11/25/97, 62 FR 50514	
Part 61	Smoke and Visible Emissions	11/30/95	11/25/97, 62 FR 50514	
Part 70	Operating Permits	11/30/95	11/25/97, 62 FR 50514	
Part 71	Operating Permit Emission Fees	11/30/95	11/25/97, 62 FR 50514	
Part 72	Construction Permits	11/30/95	11/25/97, 62 FR 50514	
Part 73	Notice of Intent and Emissions Inventory Requirements.	11/30/95	11/25/97, 62 FR 50514	
Part 74	Prevention of Significant Deterioration.	7/20/95	10/15/96, 61 FR 53639	
Part 75	Construction Permit Fees	11/30/95	11/25/97, 62 FR 50514	
Part 79	Permits-Nonattainment Areas	11/30/95	11/25/97, 62 FR 50514	Conditional approval expires on September 9, 1999.
Part 80	Stack Heights	11/30/95	11/25/97, 62 FR 50514	
Part 98	General Conformity	08/02/96	9/9/98, 63 FR 48109	

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
Regulation No.—Albuquerque/Bernalillo County, Air Quality Control Regulations				
1	Resolutions	01/12/79	04/10/80, 45 FR 24468	
2	Definitions	03/16/89	12/21/93, 58 FR 67333	
3	Open Burning	01/12/79	04/10/80, 45 FR 24468	
4	Incinerators	01/12/79	04/10/80, 45 FR 24468	
5	Visible Air Contaminants	01/12/79	04/10/80, 45 FR 24468	
6	Orchard Heaters	01/12/79	04/10/80, 45 FR 24468	
7	Motor Vehicle Air Pollution Control Devices.	01/12/79	04/10/80, 45 FR 24468	
8	Airborne Particulate Matter	03/17/83	02/23/93, 58 FR 10972	
9	Process Equipment	01/12/79	04/10/80, 45 FR 24468	
10	Kraft Mills	01/12/79	04/10/80, 45 FR 24468	
11	Organic Fluids	01/12/79	04/10/80, 45 FR 24468	
12	Coal Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
13	Coal Burning Equipment—Sulfur Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
14	Coal Burning Equipment—Particulate Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
15	Oil Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
16	Oil Burning Equipment—Particulate Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
17	Oil Burning Equipment—Sulfur Dioxide Emission Limits.	01/12/79	04/10/80 45 FR 24468	
18	Gas Burning Equipment—Nitrogen Dioxide Emission Limits.	01/12/79	04/10/80, 45 FR 24468	
19	Breakdown, Abnormal Operating Conditions, or Scheduled Maintenance.	01/12/79	04/10/80, 45 FR 24468	
20	Permits	02/26/93	03/16/94, 59 FR 12172	
21	Permit Fees	01/12/79	04/10/80, 45 FR 24468	
22	Registration of Air Contaminant Sources.	01/12/79	04/10/80, 45 FR 24468	

Environmental Protection Agency, EPA

§ 52.1620

EPA APPROVED ALBUQUERQUE/BERNALILLO COUNTY, NM REGULATIONS—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
23	Source Surveillance	01/12/79	04/10/80, 45 FR 24468.	REGS NOT IN SIP. See Notice of Delegation published 10/06/95, 60 FR 52329.
24	Variance Procedure	01/12/79	04/10/80, 45 FR 24468	
25	Administration and Enforcement	01/12/79	04/10/80, 45 FR 24468	
26	Interpretation	01/12/79	04/10/80, 45 FR 24468	
27	Emergency Action Plan	01/12/79	04/10/80, 45 FR 24468	
28	Motor Vehicle Inspection	07/01/95	06/13/96, 61 FR 29970	
29	Prevention Of Significant Deterioration.	03/26/93	12/21/93, 58 FR 67333	
30—31	NSPS/NESHAPS	
32	Construction Permits—Nonattainment Areas.	02/26/93	12/21/93, 58 FR 67329	
33	Stack Height Requirements	03/16/89	03/05/91, 56 FR 09175	
34	Woodburning	11/27/91	11/23/93, 58 FR 62539	42.11 not approved by EPA.
35	Alternative Fuels	11/10/93	05/05/94, 59 FR 23168	
42	Transportation Conformity	11/09/94	11/08/95, 60 FR 56244	
43	General Conformity	11/09/94	09/13/96, 61 FR 48407	

(d) [Reserved]

(e) EPA approved nonregulatory provisions.

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
NMSA 1978—New Mexico Statutes in the Current New Mexico SIP				
74–1–4	Environmental Improvement Board—Creation—Organization.	04/20/90	June 1, 1999.	
74–2–1	Short Title	08/11/83	11/02/84, 49 FR 44101	
74–2–2	Definitions	08/11/83	11/02/84, 49 FR 44101	
74–2–3	State Air Pollution Control Agency.	08/11/83	11/02/84, 49 FR 44101	
74–2–4	Municipal or County Air Quality Control Board.	04/20/90	June 1, 1999	
74–2–5	Duties and Powers of Board	08/11/83	11/02/84, 49 FR 44101	
74–2–6	Adoption of Regulations Notice and Hearings.	08/11/83	11/02/84, 49 FR 44101	
74–2–7	Permits	08/11/83	11/02/84, 49 FR 44101	
74–2–8	Variances	08/11/83	11/02/84, 49 FR 44101	
74–2–9	Variances—Judicial Review	08/11/83	11/02/84, 49 FR 44101	
74–2–10	Emergency Procedure	08/11/83	11/02/84, 49 FR 44101	
74–2–11	Confidential Information	08/11/83	11/02/84, 49 FR 44101	
74–2–11.1 ...	Limitations on Regulations	08/11/83	11/02/84, 49 FR 44101	
74–2–12	Enforcement	08/11/83	11/02/84, 49 FR 44101	
74–2–13	Inspection	08/11/83	11/02/84, 49 FR 44101	
74–2–14	Penalties	08/11/83	11/02/84, 49 FR 44101	
74–2–15	Additional Means of Enforcement	08/11/83	11/02/84, 49 FR 44101	
74–2–15.1 ...	Primary Nonferrous Smelter Orders.	08/11/83	11/02/84, 49 FR 44101	
74–2–16	Declaratory Judgement of Regulation.	08/11/83	11/02/84, 49 FR 44101	
74–2–17	Continuing Effect of Present Laws, Rules, and Regulations.	08/11/83	11/02/84, 49 FR 44101	
Article 16, Sections 10–16–1 through 10–16–16.	New Mexico Conflict of Interest Act.	07/16/90	June 1, 1999.	
Article 16, Supplemental.	New Mexico Environmental Improvement Board Code of Conduct.	07/16/90	June 1, 1999.	

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

State citation	Title/subject	State Approval/ effective date	EPA approval date	Comments
EPA Approved City of Albuquerque and Bernalillo County Ordinances for State Board Composition and Conflict of Interest Provisions				
City of Albuquerque, Chapter 6, Article XVII Sections 6–17–1 to 6–17–3.	Metropolitan Environmental Health Advisory Board.	11/16/90	June 1, 1999.	
Bernalillo County Commission Ordinance 302.	Metropolitan Environmental Health Advisory Board.	08/05/74	June 1, 1999.	
Bernalillo County Commission Ordinance 90–19.	Metropolitan Environmental Health Advisory Board.	08/21/90	June 1, 1999	Amended Ordinance 302.
City of Albuquerque, Chapter 6, Article XVI Sections 6–16–1 to 6–16–15.	Joint Air Quality Control Board Ordinance.	08/01/89	June 1, 1999.	
Bernalillo County Commission Ordinance 88–45.	Joint Air Quality Control Board Ordinance.	12/27/88	June 1, 1999	Amended Ordinance 84–44.
City of Albuquerque Chapter 1, Article XII Sections 1–12–1 to 1–12–3.	Public Boards, Commissions and Committees.	07/01/87	June 1, 1999.	
City of Albuquerque Chapter 2, Article III Sections 2–3–1 to 2–3–13.	Conflict of Interest	07/01/85	June 1, 1999.	
City of Albuquerque Charter, Article XII.	Code of Ethics	04/01/90	June 1, 1999.	
Bernalillo County Commission Ordinance 85–3.	Code of Ethics	02/05/85	June 1, 1999.	
City of Albuquerque Code of Conduct.	City Code of Conduct	02/09/90	June 1, 1999.	

[63 FR 37495, July 13, 1998, as amended at 63 FR 48109, Sept. 9, 1998; 64 FR 29239, June 1, 1999]

Environmental Protection Agency, EPA

§ 52.1623

EFFECTIVE DATE NOTE: At 64 FR 29239, June 1, 1999 in §52.1620(e), the table was amended by adding section 74-1-4, by revising section 74-2-4, and by adding new sections to the table after section 74-2-17, effective Aug. 2, 1999. For the convenience of the user, the superseded text follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
NMSA 1978—New Mexico Statutes in the New Mexico SIP				
* * *	* * *	* * *	* * *	* * *
74-2-4	Municipal or County Air Quality Control Board.	08/11/83	11/02/84, 49 FR 44101	
* * *	* * *	* * *	* * *	* * *

§ 52.1621 Classification of regions.

The New Mexico plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Albuquerque-Mid-Rio Grande Intrastate	I	III	III	III	I
New Mexico Southern Border Intrastate	IA	IA	III	III	III
El Paso-Las Cruces-Alamogordo Interstate	I	IA	III	I	I
Four Corners Interstate	IA	IA	III	III	III
Northeastern Plains Intrastate	III	III	III	III	III
Pecos-Permian Basin Intrastate	III	III	III	III	III
Southwestern Mountains-Augustine Plains Intrastate	III	III	III	III	III
Upper Rio Grande Valley Intrastate	III	III	III	III	III

[37 FR 1081, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 42 FR 20131, Apr. 18, 1977; 45 FR 24468, Apr. 10, 1980; 45 FR 67347, Oct. 10, 1980; 52 FR 5965, Feb. 27, 1987]

§ 52.1622 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Mexico's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfies all requirements of the Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 24468, Apr. 10, 1980]

§ 52.1623 Conditional approval.

(a) *General Conformity.* (1) A letter, dated April 22, 1998, from the Chief of

Air Quality Bureau New Mexico Environment Department to the EPA Regional Office, commits the State to remove Section 110.C from its rule for making the State's rule consistent with Federal rule. Specifically, the letter states that:

This letter is regarding our general conformity rule, 20 NMAC 2.98—Conformity of General Federal Actions to the State Implementation Plan. We have been reviewing paragraph 110.C under Section 110—Reporting Requirements. This is the paragraph in which the Federal Aviation Administration (FAA) had submitted a comment of concern to EPA, during EPA's proposed/final approval period for our rule. This comment

caused EPA to withdraw its approval. The FAA had commented that New Mexico was more stringent than EPA, since our rule does not apply to non-Federal agencies. Our analysis has determined that our inclusion of this paragraph may make our rule more stringent than EPA, and should not have been included. The paragraph had originally come from a STAPPA/ALAPCO model rule. New Mexico had never intended to be more stringent than EPA with regards to general conformity. Hence, the State commits to putting 20 NMAC 2.98 on our regulatory agenda and plan to delete this paragraph within one year from the FEDERAL REGISTER publication of final notice of conditional approval to New Mexico's general conformity SIP.

(2) If the State ultimately fails to meet its commitment to remove this section from its rule within one year of publication of this conditional approval, then EPA's conditional action will automatically convert to a final disapproval.

(b) [Reserved]

[63 FR 48109, Sept. 9, 1998]

§§ 52.1624—52.1626 [Reserved]

§ 52.1627 Control strategy and regulations: Carbon monoxide.

Part D Approval. The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April 13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

[61 FR 29973, June 13, 1996]

§§ 52.1628—52.1633 [Reserved]

§ 52.1634 Significant deterioration of air quality.

(a) The plan submitted by the Governor of New Mexico on February 21, 1984 (as adopted by the New Mexico Environmental Improvement Board (NMEIB) on January 13, 1984), August 19, 1988 (as revised and adopted by the NMEIB on July 8, 1988), and July 16, 1990 (as revised and adopted by the NMEIB on March 9, 1990), Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD) and its Supplemental document, is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality.

(b) The requirements of section 160 through 165 of the Clean Air Act are not met for Federally designated Indian lands. Therefore, the provisions of § 52.21 (b) through (w) are hereby incorporated by reference and made a part of the applicable implementation plan, and are applicable to sources located on land under the control of Indian governing bodies.

(c) The plan submitted by the Governor in paragraph (a) of this section for Prevention of Significant Deterioration is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993, and respectively adopted on March 8, 1989, July 12, 1989, April 11, 1990, and February 10, 1993, by the Albuquerque/Bernalillo County Air Quality Control Board, containing Regulation 29—Prevention of Significant Deterioration and its April 11, 1990, Supplemental document, is approved as meeting the requirements of part C of the Clean Air Act for the prevention of significant deterioration of air quality.

[58 FR 67333, Dec. 21, 1993]

§ 52.1635 Rules and regulations.

(a) *Part D disapproval*: The requirements of § 51.281 of this chapter are not met since the measurement provisions of Sections A, B.2, and B.3 of New Mexico Regulation 506 make these sections unenforceable. Therefore, Sections A, B.2, and B.3 of Regulation 506 are disapproved.

(b) *Regulation for measurement of emission limitations (particulate matter from nonferrous smelters)*. (1) This regulation applies to new and existing nonferrous smelters as they are defined in New Mexico Regulation 506. The requirements of this paragraph replace the requirements of Sections A, B.2, and B.3 of Regulation 506. All other requirements of Regulation 506 are approved as part of the plan.

(2) No person owning or operating a new nonferrous smelter shall permit, cause, suffer, or allow particulate matter emissions to the atmosphere in excess of 0.03 grains per dry standard

cubic foot (as defined in 40 CFR part 60) of discharge gas.

(3) No person owning or operating an existing nonferrous smelter shall permit, cause, suffer, or allow particulate matter to the atmosphere from:

(i) The stack or stacks serving the acid plant in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(ii) The stack or stacks serving the reverberatory feed dryer in excess of 0.05 grains per dry standard cubic foot of discharge gas.

(c) *Regulation for compliance testing (particulate matter from nonferrous smelter).* The requirements of § 60.8(f) of 40 CFR part 60 shall apply to paragraph (b)(2) of this section, and to each operation of Section B.4 of New Mexico Regulation 506.

[45 FR 24469, Apr. 10, 1980, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.1636 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met for the State of New Mexico, outside the boundaries of Bernalillo County, because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.21, 52.27, and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Mexico, outside the boundaries of Bernalillo County.

(c) Long-term strategy. The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Mexico, outside the boundaries of Bernalillo County.

[58 FR 67334, Dec. 21, 1993]

§ 52.1637 Particulate Matter (PM₁₀) Group II SIP commitments.

(a) On August 19, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) that contained commitments, from the Director of New Mexico Environmental Improvement Division, for implementing all of the required activities including monitoring, reporting, emis-

sion inventory, and other tasks that may be necessary to satisfy the requirements of the PM₁₀ Group II SIPs. The New Mexico Environmental Improvement Board adopted this SIP revision on July 7 and 8, 1988.

(b) The State of New Mexico has committed to comply with the PM₁₀ Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Dona Ana, Grant, Sandoval, Santa Fe, and Taos counties as provided in the New Mexico PM₁₀ Group II SIPs. In addition to the SIP, a letter from the Director of New Mexico Environmental Improvement Division, dated July 15, 1988, stated that:

This letter is in reference to PM₁₀ Group II State Implementation Plan (SIP) requirements. In response to the requirements of the July 1, 1987 FEDERAL REGISTER, notice on PM₁₀, the Environmental Improvement Division has prepared a Committal SIP for Group II areas. As expressed in this SIP revision, the Division is committing to carry out all required actions such as monitoring, reporting, emission inventory development, and other tasks necessary to satisfy the SIP requirements for PM₁₀ Group II areas.

[54 FR 20579, May 12, 1989]

§ 52.1638 Bernalillo County particulate matter (PM₁₀) Group II SIP commitments.

(a) On December 7, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan (SIP) for Bernalillo County that contained commitments, from the Director of the Albuquerque Environmental Health Department, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM₁₀ Group II SIPs. The City of Albuquerque and Bernalillo County Air Quality Control Board adopted this SIP revision on November 9, 1988.

(b) The Albuquerque Environmental Health Department has committed to comply with the PM₁₀ Group II State Implementation Plan (SIP) requirements, as articulated in the FEDERAL REGISTER notice of July 1, 1987 (52 FR 24670), for Bernalillo County as provided in the County's PM₁₀ Group II SIP. In addition to the SIP, a letter from the Director of the Albuquerque

Environmental Health Department, dated November 17, 1988, stated that:

(1) This letter is in reference to the PM₁₀ Group II SIP requirements particularly as pertains to Bernalillo County. In response to the requirements of the July 1, 1987 FEDERAL REGISTER notice on PM₁₀, the Albuquerque Environmental Health Department has prepared a Committal SIP for all of Bernalillo County which has been classified Group II for this pollutant.

(2) As expressed in the attached SIP revision, the Department is committing to carry out all required actions such as monitoring, reporting, emission inventory development and other tasks necessary to satisfy the SIP requirements for PM₁₀ Group II areas.

[54 FR 23477, June 1, 1989]

§ 52.1639 Prevention of air pollution emergency episodes.

(a) The plan submitted by the Governor of New Mexico on August 19, 1988, and as adopted on July 7, 1988, by the New Mexico Environmental Improvement Board, entitled Air Pollution Episode Contingency Plan for New Mexico, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H. This plan is only approved for the State of New Mexico outside of the boundaries of Bernalillo County.

(b) The plan submitted by the Governor in (a) for the Air Pollution Episode Contingency Plan is not applicable to Bernalillo County. Therefore, the following plan described below is applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque). This plan, submitted by the Governor of New Mexico on April 14, 1989, and adopted on January 26, 1989, by the Albuquerque/Bernalillo County Air Quality Control Board, entitled Air Pollution Episode Contingency Plan for Bernalillo County, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51, subpart H.

[56 FR 38074, Aug. 12, 1991]

§ 52.1640 Original identification of plan section.

(a) This section identifies the original "State of New Mexico Implementation Plan" and all revisions submitted by New Mexico that were federally approved prior to January 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

(c) The Plan revisions listed below are submitted on the dates specified.

(1) The Environmental Improvement Agency submitted revisions of Air Quality Control Regulations 506, 507, 604, 605, 606, 651, and 652 (adopted by the Board on January 10, 1972) on March 7, 1972.

(2) Additions of sections 12-14-1 through 12-14-13 of the State's Air Quality Control Act, and Regulations 504, 602, and 603 were submitted by the Governor on May 9, 1972.

(3) Revisions of Regulations 702, 703, 704, and 705, as adopted by the Board on July 29, 1972, and revisions of Sections IV, V, VII, and VIII, were submitted by the Environmental Improvement Agency on July 31, 1972.

(4) State Attorney General's opinion on legal authority and confidentiality of source data was submitted on September 4, 1972. (Non-regulatory)

(5) Revisions of the New Source Review and Source Surveillance sections of the New Mexico Implementation Plan were submitted by the Environmental Improvement Agency on January 3, 1973. (Non-regulatory)

(6) Clarification of the State permit and source surveillance regulations was submitted by the Environmental Improvement Agency on January 18, 1973. (Non-regulatory)

(7) Regulation 705, Compliance Schedules, was submitted by the Governor on February 12, 1974.

(8) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide, as adopted by the New Mexico Environmental Improvement Board on December 13, 1974, were submitted by the Governor on October 3, 1975 (see § 52.1624).

(9) Revisions to Regulation 100, Definitions, Regulation 705, Schedules of Compliance, and a new Regulation 706, Air Quality Maintenance Areas, were

submitted by the Governor on November 6, 1975 (see § 52.1633).

(10) Revisions to sections 12-14-2, 12-14-6, and 12-14-7 of the New Mexico Air Quality Control Act were submitted by the Governor on November 6, 1975.

(11) Revisions to the plan for attainment of standards for particulate matter in Albuquerque and Grant, Eddy and Lea Counties, sulfur dioxide in San Juan and Grant Counties; ozone in Albuquerque and carbon monoxide in Las Cruces, Farmington and Santa Fe were submitted by the Governor on January 23, 1979.

(12) Ordinance for motor vehicle emissions inspection/maintenance program for Albuquerque submitted by the Governor July 2, 1979.

(13) Commitments regarding the development of a TSP plan for Albuquerque, modifications to the permit regulations and commitments regarding reasonable further progress and commitments to currently planned transportation control measures for Albuquerque were submitted by the Governor on August 2, 1979.

(14) Schedule for Albuquerque TSP plan, request for 18 month extension for submission of a plan for attainment of the TSP standard in Grant County, schedule for revising permit regulations were submitted by the Governor on September 25, 1979.

(15) No action is being taken on the carbon monoxide strategies submitted by the Governor on January 23, 1979 for Farmington and Santa Fe.

(16) Compliance schedules for several industries located in Eddy, Lea and Grant Counties were submitted to EPA by the Governor of New Mexico on July 25, 1979.

(17) Revisions to the plan for attainment of the standard for carbon monoxide in Bernalillo County were submitted by the Governor on March 17, 1980.

(18) A commitment to not issue permits to stationary sources located in nonattainment areas was submitted by the Governor on May 20, 1980.

(19) A commitment to submit an enforcement plan for the Albuquerque-Bernalillo County inspection/maintenance program was submitted by the Governor on October 10, 1980.

(20) On December 12, 1979, the Governor submitted final revisions to the ambient monitoring portion of plan.

(21) A variance to Regulation 506 for Phelps Dodge Corporation, Hidalgo Smelter in Playas, New Mexico was submitted by the Governor on February 4, 1980.

(22) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide and a compliance schedule for that regulation were adopted on November 20, 1980 by the New Mexico Environmental Improvement Board and submitted by the Governor on November 24, 1980. A revised sulfur dioxide control strategy demonstration for San Juan County, based on revised Regulation 602 was submitted by the New Mexico Environmental Improvement Division on February 12, 1981. Clarifications of provisions in revised regulation 602, and a memorandum of understanding between the State and Arizona Public Service Company on the procedure to be used by EPA in enforcing power plant station emission limits were submitted by the New Mexico Environmental Improvement Division on April 16, 1981.

(23) A revision to Regulation 504 which extends the final compliance date for Units 4 and 5 of the Arizona Public Service Four Corners Power Plant to December 31, 1982 was submitted by the Governor on June 28, 1978. A compliance schedule for the same units was submitted by the Governor on March 31, 1980.

(24) A revision to Regulation 507, changing the emission limitations was submitted by the Governor on January 23, 1979.

(25) A variance to Regulation 603 for the Arizona Public Service Units 3, 4, and 5 at the Four Corners Generating Station, was submitted by the Governor on July 31, 1980.

(26) Revision to the plan for maintenance of pay for sources subject to non-ferrous smelter orders (Section 74-2-11.1B of the New Mexico Air Quality Control Act) was submitted by the Governor on September 26, 1979.

(27) The New Mexico Plan for lead was submitted to EPA on May 19, 1980, by the Governor of New Mexico as adopted by the New Mexico Improvement Board on May 9, 1980. A clarifying

letter dated February 10, 1982 also was submitted.

(28) Revisions to Regulation 652, Non-Ferrous Smelters—Sulfur, submitted by the Governor on June 22, 1981. A revised sulfur dioxide control strategy demonstration for Grant County based on the revised Regulation 652 was submitted by the New Mexico Environmental Improvement Division on May 12, 1981 and August 13, 1981.

(29) A revision to Regulation 401, Regulation to Control Smoke and Visible Emissions, was adopted by the Environmental Improvement Board on August 25, 1978 and submitted by the Governor on November 8, 1978.

(30) Revision to New Mexico Regulation 801, Excess Emissions during Malfunction, Startup, Shutdown or Scheduled Maintenance, was submitted by the Governor on May 16, 1981.

(31) Revisions to Section X, Intergovernmental Consultation and Cooperation and Interstate Pollution Abatement, submitted by the Governor on January 23, 1979, the Intergovernmental Consultation Program submitted by the Environmental Improvement Division, March 28, 1980 and copies of letters from the New Mexico Environmental Improvement Division dated November 7, 1977 to the States of Texas, Oklahoma, Arizona, Colorado, and Utah sent in compliance with section 126(a)(2) of the Clean Air Act, as amended in 1977.

(32) Revisions to Air Quality Control Regulation 652, Nonferrous Smelters—Sulfur were adopted by the New Mexico Environmental Improvement Board on June 11, 1982 and submitted to EPA by the Governor of New Mexico on July 26, 1982.

(33) Addition of Public Information and Participation Program, submitted by the Environmental Improvement Division on December 20, 1979.

(34) Revisions to the plan for attainment of the standard for Carbon Monoxide in Bernalillo County were submitted by the Governor on June 28, 1982, and January 26, 1983, which included the Albuquerque/Bernalillo County Air Quality Control Board Regulation Number 28, adopted October 19, 1982. On March 4, 1985, the vehicle inspection and maintenance portion of the SIP providing for attainment of the

standard for Carbon Monoxide in Bernalillo County was disapproved.

(35) Revisions to sections 74-2-2 (9/79, 2/82, 4/83); 74-2-5 (9/79, 2/82, 4/83); 74-2-6 (2/82); 74-2-7 (9/79, 2/82, 4/83); 74-2-9 (9/79); 74-2-11 (9/79); 74-2-11.1 (9/79); 74-2-15 (9/79); and 74-2-15.1 (9/79) of the State's Air Quality Control Act were submitted by the New Mexico Secretary for Health and Environment on August 11, 1983.

(36) A revision to Air Quality Control Regulation 402 "Regulation to Control Wood Waste Burners" as adopted by the New Mexico Environmental Improvement Board on January 10, 1975, and revised by that Board on December 10, 1982, was submitted by the State on December 23, 1983.

(37) On February 21, 1984, the Governor of New Mexico submitted Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD), as adopted by the New Mexico Environmental Improvement Board on January 13, 1984. Regulation 707 provides authority for the State to implement the PSD program in certain areas of the State. On May 14, 1985, the Governor of New Mexico submitted a letter in which he committed the State not to issue PSD permits under Regulation 707 to sources which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(i) Incorporation by reference.

(A) Letter from the Governor of New Mexico dated February 21, 1984 to EPA, and New Mexico Air Quality Control Regulation No. 707—Permits, Prevention of Significant Deterioration of Air Quality, except for sources that locate (or are located) on lands under control of Indian Governing Bodies, or sources that locate (or are located) in Bernalillo County, or sources that require review under EPA's stack height regulations because they have stack heights over sixty five (65) meters or use any other dispersion techniques, as defined at 40 CFR 51.1(hh), adopted on January 13, 1984.

(B) A letter from the Governor of New Mexico dated May 14, 1985, in which he committed the State not to

issue PSD permits under Regulation 707 to source which would require review under EPA's stack height regulations because they would have stack heights over sixty five (65) meters or would use any other dispersion techniques, as defined at 40 CFR 51.1(hh).

(ii) Additional material.

(A) A narrative explanation entitled "Revision to the New Mexico State Implementation Plan—Prevention of Significant Deterioration of Air Quality."

(38) Revisions to the New Mexico SIP for the Arizona Public Service Units 3, 4 and 5 at the Four Corners Generating Station were submitted by the Governor on February 4, 1987, October 26, 1987, and February 16, 1988.

(i) Incorporation by reference.

(A) An Order dated and effective August 7, 1986, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant granting a variance through May 31, 1987, from Air Quality Control Regulation 603.B.

(B) A Memorandum and Order dated and effective April 10, 1987, issued by the Chairman of the New Mexico Environmental Improvement Board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance from May 31, 1987 through October 15, 1987.

(C) An Order dated and effective December 18, 1987, issued by the Chairman of the New Mexico Environmental Improvement board in the matter of Arizona Public Service Company, Fruitland, New Mexico for Units 3, 4 and 5 of the Four Corners Power Plant extending the term of the variance through September 30, 1989 for Unit 4, September 30, 1990 for Unit 3, and September 30, 1991 for Unit 5.

(ii) Additional material. (A) Modeling Protocol, The Four Corners Power Plant, prepared by Bruce Nicholson of the New Mexico Environmental Improvement Division, November 6, 1987.

(B) Amendment to Modeling Protocol, letter of August 17, 1988, from Bruce Nicholson of the New Mexico Environmental Improvement Division to Gerald Fontenot of EPA Region 6.

(C) Modeling Report, letter of October 27, 1988 to C. V. Mathai (Arizona Public Service Company) and Bruce Nicholson (New Mexico Environmental Improvement Division) from Mark Yocke of Systems Applications Inc.

(D) An air quality impact analysis dated November 16, 1988, submitted by the Governor of New Mexico which demonstrated that the variance would not interfere with attainment or maintenance of the NO₂ NAAQS.

(39) On April 26, 1988, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Air Quality Control Regulation No. 710—Stack Height Requirements, as adopted by the New Mexico Environmental Improvement Board on March 10, 1988. Regulation No. 710 enables the State to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation No. 710—Stack Height Requirements, effective April 14, 1988.

(ii) Other material—None.

(40) On November 5, 1985, the Governor of New Mexico submitted Air Quality Control Regulation 709, Permits-Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 26, 1985, and effective on August 25, 1985. On August 19, 1988, the Governor of New Mexico submitted revisions to Air Quality Control Regulation 709, Permits—Nonattainment Areas, as adopted by the New Mexico Environmental Improvement Board on July 8, 1988, and effective on August 31, 1988. These revisions were to Section G.3, H.4.(d), J.1.(b)(iv), and L.32. Regulation 709 establishes a program under which new major source and major modifications may be constructed in areas where a National Ambient Air Quality Standard (NAAQS) is being exceeded, without interfering with the continuing progress toward attainment of that standard. This regulation is part of New Mexico's New Source Review (NSR) program.

(i) Incorporation by reference.

(A) Incorporation of New Mexico Air Quality Control Regulation 709; adopted on July 26, 1985, effective August 25, 1985 and Revisions G.3; H.4.(d); J.1.(b)(iv); and L.32 adopted on July 8, 1988, effective August 31, 1988.

(ii) Additional material.

(A) Letter dated September 29, 1988, from the New Mexico Air Quality Bureau Chief making commitments requested by EPA in the August 31, 1988, FEDERAL REGISTER Proposed Rule-making (51 FR 33505).

(41) Revisions to the New Mexico State Implementation Plan for particulate matter (PM₁₀ Group III): (1) Air Quality Control Regulation (AQCR) 100—Definitions Sections P, Q, R, S, BB; (2) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3; and (3) AQCR 709—Permits, Nonattainment Areas sections A(1)(b), A(5), and Table 1 as adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 8, 1988, and filed with State Records Center on August 1, 1988; and (4) Air Pollution Episode Contingency Plan for New Mexico, as adopted by the NMEID on July 7, 1988, were submitted by the Governor on August 19, 1988. Approval of the PM₁₀ Group III SIP is partially based on previous approved AQCRs 100, 301, 401, 402, 501, 502, 506, 507, 508, 509, 510, 511, 601, 702, 707, and 709.

(i) Incorporation by reference.

(A) AQCR 100—Definitions Section P, Q, R, S, and BB as filed with State Records Center on August 1, 1988.

(B) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3, as filed with State Records Center on August 1, 1988.

(C) AQCR 709—Permits, Nonattainment Areas Sections A(1)(b), A(5), and Table 1 as filed with State Records Center on August 1, 1988.

(ii) Additional material.

(A) A letter dated May 25, 1988, from the NMEID General Counsel to EPA's Region 6 Air Programs Chief indicating that the State of New Mexico has sufficient authority to enforce the NAAQS without adopting the Federal NAAQS as State standards.

(42) [Reserved]

(43) A revision to the New Mexico State Implementation Plan (SIP) to include Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989, and submitted by the Governor of New Mexico on May 14, 1990.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 700—Filing and Permit Fees, as filed with the State Records and Archives Center on November 20, 1989.

(44) A revision to the New Mexico State Implementation Plan (SIP) to include: Air Quality Control Regulation 110—Confidential Information Protection, and Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, and revisions to Air Quality Control Regulations 100—Definitions and 709—Permits—Nonattainment Areas, as all filed with the State Records and Archives Center on May 29, 1990, and submitted by the Governor of New Mexico on July 16, 1990; and revisions to Air Quality Control Regulation 702—Permits, as filed with the State Records and Archives Center on August 18, 1987, on October 19, 1988, and on May 29, 1990. Air Quality Control Regulation 702 was first submitted by the Governor of New Mexico to EPA on September 17, 1987. Further revisions to Air Quality Control Regulation 702 were submitted to EPA on October 28, 1988, and on July 16, 1990. The approval of Air Quality Control Regulation 703.1 allows Air Quality Control Regulation 703 to be removed from the New Mexico State Implementation Plan.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 110—Confidential Information Protection, as filed with the State Records and Archives Center on May 29, 1990.

(B) New Mexico Air Quality Control Regulation 703.1—Notice of Intent and Emissions Inventory Requirements, “Part One—Definitions;” “Part Two—Notice of Intent;” and “Part Three—Emissions Inventory Requirements,” as filed with the State Records and Archives Center on May 29, 1990.

(C) New Mexico Air Quality Control Regulation 100—Definitions, sections (B), (C), (D), (E), (F), (G), (H), (I), (J), (N), (O), (T), (U), (V), (W), (X), (Y), (Z), (AA), (CC), (DD), and (EE), as filed with the State Records and Archives Center on May 29, 1990.

(D) New Mexico Air Quality Control Regulation 702—Permits, “Part One—Definitions,” first paragraph and sections 1, 2, 3, 4, 5; “Part Two—Permit Processing and Requirements,” section A, subsections A(4), A(6); section G, “Public Notice and Participation,” subsections G(1) (first paragraph), G(1)(e); section H, “Permit Decisions and Appeals,” subsections H(1), H(2), H(3), H(5), H(6), H(7); Section I, “Basis for Denial of Permit,” subsections I(1), I(3); Section J, “Additional Legal Responsibilities on Applicants;” section K, “Permit Conditions,” subsections K(1), K(2), K(3), K(4); section L, “Permit Cancellations;” section M, “Permittee’s Notification Requirements to Division,” subsections M (first paragraph), M(1); Section O, “Source Class Exemption Process (Permit Streamlining),” subsections O(1)(a), O(2); and section P, “Emergency Permit Process,” subsections P(2), P(3), P(4), as filed with the State Records and Archives Center on August 18, 1987; and further revisions to Air Quality Control Regulation 702, “Part One—Definitions,” sections 6, 7, 8, 9, 10, 11; “Part Two—Permit Processing and Requirements,” section A, subsection A(1)(b); section H, “Permit Decisions and Appeals,” subsection H(4); and section I, “Basis for Denial of Permit,” subsection I (first paragraph), as filed with the State Records and Archives Center on October 19, 1988; and further revisions to Air Quality Control Regulation 702, “Part One—Definitions,” Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33; “Part Two—Permit Processing and Requirements,” section A, “Application for Construction, Modification, NSPS, and NESHAP—Permits and Revisions,” Subsections A(1)(a)(i), A(1)(a)(ii), A(1)(a)(iii), A(1)(a)(v), A(2), A(3), A(5), A(7); Section B, “New Source Review Coordination;” section C, “Permit Revision;” section D, “Contents of Applications (except last sentence of section D, subsection D(1)(d));” section E,

“Confidential Information Protection;” section F, “Construction, Modification and Permit Revision in Bernalillo County;” section G, “Public Notice and Participation,” subsections G(1)(a), G(1)(b), G(1)(c), G(1)(d), G(1)(f), G(2); section I, “Basis for Denial of Permit,” subsections I(2), I(4), I(5), I(6), I(7); section K, “Permit Conditions,” subsection K(5); section M, “Permittee’s Notification Requirements to Division,” Subsections M(2), M(3), M(4); section N, “Startup and Followup Testing;” Section O, “Source Class Exemption Process (Permit Streamlining),” subsections O(1) (first paragraph), O(1)(b), O(1)(c), O(3), O(4); section P, “Emergency Permit Process,” subsections P(1), P(5); section Q, “Non-attainment Area Requirements;” and Table 1, “Significant Ambient Concentrations,” as filed with the State Records and Archives Center on May 29, 1990.

(E) New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, section A, “Applicability,” subsections A(1), A(3), A(4); section B, “Source Obligation,” subsections B(3), B(5), B(6); section C, “Source Information,” subsections C (first paragraph), C(1), C(2); section D, “Source Requirements,” subsections D(1), D(2), D(3), D(4), D(5); section E, “Additional Requirements for Sources Impacting Mandatory Federal Class I Areas,” subsections E(1), E(2), E(5); section H, “Banking of Emission Reduction,” subsection H(4)(a); section I, “Air Quality Benefit,” subsections I(1), I(2); section J, “Public Participation and Notification;” section K, “Definitions;” and Table 2, “Fugitive Emissions Source Categories,” Title only, as filed with the State Records and Archives Center on May 29, 1990.

(45) On July 11, 1986, the Governor of New Mexico submitted a revision to the State Implementation Plan that contained Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986. Further, on April 14, 1989, the Governor submitted revisions to AQCR 33, as filed with the State Records and Archives Center on March 16, 1989. In addition, on August 7, 1989, the Governor

submitted a commitment found in the July 12, 1989 Supplement to AQCR 33 to include specific caveat language on all affected permits issued in which dispersion credits have been an issue in the permit. AQCR 33 enables Albuquerque/Bernalillo County to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height that exceeds GEP or by any other dispersion technique.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 33—Stack Height Requirements, as filed with the State Records and Archives Center on June 18, 1986, and as revised on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the State of New Mexico's SIP regarding stack heights in new source review (NSR) for permits issued in Bernalillo County, as adopted by the Albuquerque/Bernalillo County Air Quality Control Board on July 12, 1989. The Board in this Supplement committed to include specific caveat language for all affected permits issued in which dispersion credits have been an issue in the permit.

(46) Revisions to the New Mexico State Implementation Plan for Air Quality Control Regulation (AQCR) 707—Permits, Prevention of Significant Deterioration (PSD) (for PSD nitrogen dioxide increments) Sections O(4), P(7) through P(41), Table 4, and Table 5, as adopted by the New Mexico Environmental Improvement Board (NMEIB) on March 9, 1990, and filed with State Records Center on May 29, 1990, were submitted by the Governor on July 16, 1990.

(i) Incorporation by reference.

(A) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) sections O(4), P(7) through P(41), Table 4, and Table 5, as filed with State Records Center on May 29, 1990.

(ii) Additional Material—None.

(47) A revision to the New Mexico State Implementation Plan (SIP) to include Part Four of Air Quality Control Regulation 702, entitled "Source Class Permit Streamlining," as filed with the State Records and Archives Center on May 12, 1992, and submitted by the

Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) New Mexico Air Quality Control Regulation 702—Permits, "Part Four—Source Class Permit Streamlining," Section A, "Definitions;" Section B, "Applicability;" Section C, "Contents of Application;" Section D, "Public Notice and Participation;" Section E, "Permit Decisions;" Section F, "General Requirements;" Section G, "Source Class Requirements;" and Table 2, "Permit Streamlining Source Class Categories," as filed with the State Records and Archives Center on May 12, 1992.

(48) A revision to the New Mexico SIP to include revisions to Air Quality Control Regulation 709—Permits—Nonattainment Areas, as filed with the State Records and Archives Center on June 25, 1992.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 709—Permits—Nonattainment Areas, Section D, "Source Requirements," Subsections D(2), D(3)(a), D(5), D(6); Section G, "Emission Offsets," Subsection G(5); Section I, "Air Quality Benefit," Subsection I(1); and Section J, "Public Participation and Notification," Subsection J(2) (first paragraph), as filed with the State Records and Archives Center on June 25, 1992.

(49) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—Airborne Particulate Matter, as filed with the State Records and Archives Center on February 17, 1983, and submitted by the Governor of New Mexico by letter dated June 16, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Board Regulation 8—Airborne Particulate Matter, Section 8.03, "Soil Disturbance," Subsections 8.03.1, 8.03.2, 8.03.3, 8.03.4, 8.03.5, 8.03.6, 8.03.7, and 8.03.8, as filed with the State Records and Archives Center on February 17, 1983.

(50) A revision to the New Mexico State Implementation Plan (SIP) addressing moderate PM-10 nonattainment area requirements for Anthony

was submitted by the Governor of New Mexico by letter dated November 8, 1991. The SIP revision included, as per section 188(f) of the Clean Air Act, a request for a waiver of the attainment date for Anthony.

(i) Incorporation by reference.

(A) Revision to New Mexico Air Quality Control Regulation 301—Regulation to Control Open Burning, section I (definition of “open burning”), as filed with the State Records and Archives Center on February 7, 1983.

(ii) Additional material.

(A) November 8, 1991, narrative plan addressing the Anthony moderate PM-10 nonattainment area, including emission inventory, modeling analyses, and control measures.

(B) A letter dated October 29, 1991, from Judith M. Price, Dona Ana County Planning Director and Assistant County Manager, to Judith M. Espinosa, Secretary of the New Mexico Environment Department, in which the County committed to implement and enforce all Dona Ana County rules, regulations, policies and practices, including those identified in the draft PM-10 SIP which reduce airborne dust in the Anthony area. The Dona Ana County rules, regulations, policies and practices identified in the draft Anthony PM-10 SIP are identical to those identified in the final Anthony PM-10 SIP.

(C) A letter dated November 21, 1991, from Cecilia Williams, Chief, New Mexico Air Quality Bureau, to Gerald Fontenot, Chief, Air Programs Branch, EPA Region 6, expressing satisfaction with the October 29, 1991, commitment letter from Judith Price to Judith Espinosa.

(D) Anthony PM-10 SIP narrative from page 10 that reads as follows: “The State remains committed to the dust control measures implemented by Dona Ana County, moderate area control strategies as agreed to in this SIP submittal and to the established air quality monitoring schedule.”

(51) A revision to the New Mexico SIP addressing the nonattainment new source review program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, and May 17, 1993. The revision included visi-

bility protection new source review and stack height provisions.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation 32—Construction Permits—Nonattainment Areas, Section A, “Applicability,” Subsection A(2); Section B, “Source Obligation,” Subsections B(1), B(2), B(4); Section C, “Source Information,” Subsection C(3); Section G, “Emission Offsets,” Subsections G(first paragraph), G(1), G(2), G(4), G(6), G(7), G(8), G(9)(first paragraph), G(9)(a), G(9)(b), G(10); Section J, “Public Participation and Notification,” Subsections J(1), J(2)(a), J(2)(d), J(2)(f), J(2)(g), J(2)(h); Section K, “Definitions,” Subsections K(first paragraph), K(1), K(2), K(4), K(5), K(6), K(8), K(9), K(10), K(11), K(12), K(13), K(15), K(16)(first paragraph), K(16)(b), K(16)(c)(first paragraph), K(16)(c)(i), K(16)(c)(ii), K(16)(c)(iii), K(16)(c)(iv), K(16)(c)(v)(first paragraph), K(16)(c)(v)(a), K(16)(c)(vi), K(16)(c)(vii), K(16)(d), K(16)(e), K(17)(first paragraph), K(17)(a), K(17)(b), K(17)(c), K(18), K(19), K(20), K(21)(first paragraph), K(21)(a), K(21)(b)(first paragraph), K(21)(b)(i), K(21)(c), K(21)(d), K(21)(e), K(21)(f), K(23), K(26), K(28), K(29), K(31), K(32); and Table 1, “Significant Ambient Concentrations,” as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 32, Section i, “Purpose;” Section A, “Applicability,” Subsections A(1), A(3), A(4); Section B, “Source Obligation,” Subsections B(3), B(5), B(6); Section C, “Source Information,” Subsections C(first paragraph), C(1), C(2); Section D, “Source Requirements;” Section E, “Additional Requirements for Sources;” Section F, “Emissions Offset Baseline;” Section G, “Emission Offsets,” Subsections G(3), G(5), G(9)(c); Section H, “Banking of Emission Reduction;” Section I, “Air Quality Benefit;” Section J, “Public Participation and Notification,” Subsections J(2)(first paragraph), J(2)(b), J(2)(c), J(2)(e); Section K, “Definitions,” Subsections K(3), K(7), K(14), K(16)(a), K(16)(c)(v)(b), K(17)(d), K(17)(e), K(21)(b)(ii), K(22), K(24), K(25), K(27), K(30); and Table 2, “Fugitive Emissions Source Categories,” as filed with the State

Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Areas of Bernalillo County Designated Non-attainment, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 14, 1993. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated July 18, 1989, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to Mr. Robert E. Layton Jr., Regional Administrator, EPA Region 6, regarding a stack height commitment and an NSPS/NESHAP performance testing commitment.

(52) A revision to the New Mexico SIP addressing CO for Albuquerque/Bernalillo County was submitted by the Governor of New Mexico by letter dated November 5, 1992.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation 34–Woodburning, section 34.00, “Purpose;” section 34.01, “Definitions;” section 34.02, “Sale of New Wood Heaters–Certification Required;” section 34.03, “No-burn Periods;” section 34.04, “Notice Required;” Section 34.05, “Exemptions;” section 34.06, “Visible Emissions;” section 34.07, “Test Procedures;” and section 34.08, “Misfueling of Solid Fuel Heating Devices Prohibited,” as filed with the State Records and Archives Center on November 27, 1991.

(B) Albuquerque/Bernalillo County Regulation 35–Alternative Fuels, section 35.00, “Purpose;” section 35.01, “Definitions;” section 35.02, “Oxygenated Fuels;” section 35.03, “Oxygenated Fuels Procedures Manual;” and section 35.07, “Severability Clause,” as filed with the State Records and Archives Center on June 25, 1992.

(ii) Additional material.

(A) November 5, 1992, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the Albuquerque/Bernalillo County 1990 base year CO emissions inventory.

(B) A letter dated March 22, 1993, from Sarah B. Kotchian, Director, Albuquerque Environmental Health De-

partment (Department), to A. Stanley Meiburg, Director, Air, Pesticides and Toxics Division, EPA Region 6, in which the Department committed to submitting future amendments to Regulation 34 to correct an enforceability deficiency, and in which the Department committed to using only EPA approved test methods until the future amendment correcting the enforceability deficiency is approved by the EPA.

(C) A memorandum dated September 8, 1992, from Kent A. Salazar, Manager, Albuquerque Vehicle Pollution Management Division, to Albert Salas, Quality Assurance Specialist Supervisor, Albuquerque Vehicle Pollution Management Division, addressing the suspension of the oxygenated fuels program due to oxygenate shortage.

(53) A revision to the New Mexico SIP addressing the prevention of significant deterioration program for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico on April 14, 1989, August 7, 1989, May 1, 1990, and May 17, 1993. The revision included NO₂ increment provisions and visibility protection NSR.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) 29–Prevention of Significant Deterioration, Section A, “Applicability;” Section B, “Exemptions;” Section C, “Source Obligation;” Section D, “Source Information;” Section E, “Control Technology Requirements,” Subsections E(1), E(2), E(4)(a), E(4)(b), E(4)(c), E(4)(d), E(4)(e), E(5), E(6), E(7), E(8); Section F, “Ambient Impact Requirements,” Subsections F(1), F(2); Section G, “Additional Impact Requirements;” Section H, “Ambient Air Quality Modeling;” Section I, “Monitoring Requirements,” Subsections I(1), I(2), I(3), I(4), I(5), I(7), I(8), I(9); Section J, “Stack Height Credit;” Section K, “Temporary Source Exemptions;” Section L, “Public Participation and Notification;” Section M, “Restrictions on Area Classifications;” Section N, “Exclusions from Increment Consumption;” Section O, “Additional Requirements for Sources Impacting Federal Class I Areas,” Subsections O(1), O(2), O(3), O(5), O(6), O(7); Section

P, "Definitions," Subsections P(first paragraph), P(1), P(2), P(3), P(4), P(5), P(6), P(26)(first paragraph), P(26)(a), P(26)(c), P(26)(d), P(27); and Table 3, "Significant Monitoring Concentrations," as filed with the State Records and Archives Center on March 16, 1989; and further revisions to AQCR 29, Section O, "Additional Requirements for Sources Impacting Federal Class I Areas," Subsection O(4); Section P, "Definitions," Subsections P(8), P(9), P(10), P(12), P(13)(first paragraph), P(13)(a), P(14), P(15), P(16), P(17), P(18), P(19), P(20), P(21), P(22), P(23), P(24), P(25), P(26)(e), P(28), P(29), P(30), P(31), P(32), P(33), P(34), P(35), P(36), P(37), P(38), P(39), P(40), P(41); and Table 5, "Maximum Allowable Increases for Class I Waivers," as filed with the State Records and Archives Center on April 24, 1990; and further revisions to AQCR 29, Section E, "Control Technology Requirements," Subsections E(3), E(4)(first paragraph); Section F, "Ambient Impact Requirements," Subsection F(3); Section I, "Monitoring Requirements," Subsection I(6); Section P, "Definitions," Subsections P(7), P(11), P(13)(b), P(26)(b); Table 1, "PSD Source Categories;" Table 2, "Significant Emission Rates;" Table 4, "Allowable PSD Increments;" and Table 6, "Maximum Allowable Increase for Sulfur Dioxide Waiver by Governor," as filed with the State Records and Archives Center on February 26, 1993.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation 2—Definitions, Sections 2.31, 2.32, 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 2.45, 2.46, 2.47, 2.48, 2.49, 2.50, 2.51, and 2.52, as filed with the State Records and Archives Center on March 16, 1989.

(ii) Additional material.

(A) The Supplement to the New Mexico State Implementation Plan for Prevention of Significant Deterioration in Albuquerque/Bernalillo County, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on April 11, 1990. This supplement superseded the supplement dated July 12, 1989.

(B) A letter dated April 20, 1992, from Sarah B. Kotchian, Director, Albuquerque Environmental Health Department, to A. Stanley Meiburg, Director,

Air, Pesticides and Toxics Division, EPA Region 6, regarding a commitment to incorporate Clean Air Act Amendment revisions into the Albuquerque/Bernalillo County PSD program.

(54) A revision to the New Mexico SIP addressing the Albuquerque/Bernalillo County Permitting Program was submitted by the Governor of New Mexico by cover letter dated July 22, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 20—Authority-to-Construct Permits, Section 20.00, "Purpose;" Section 20.01, "Applicability;" Section 20.02, "Fees for Permit Application Review;" Section 20.03, "Contents of Applications;" Section 20.04, "Public Notice and Participation;" Section 20.05, "Permit Decisions and Appeals;" Section 20.06, "Basis for Permit Denial;" Section 20.07, "Additional Legal Responsibilities on Applicants;" Section 20.08, "Permit Conditions;" Section 20.09, "Permit Cancellation;" Section 20.10, "Permittee's Notification Obligations to the Department;" Section 20.11, "Performance Testing Following Startup;" Section 20.12, "Emergency Permits;" Section 20.13, "Nonattainment Area Requirements;" Section 20.14, "Definitions Specific to Authority-to-Construct Permit Regulations;" and Table One, "Significant Ambient Concentrations," as filed with the State Records and Archives Center on February 26, 1993.

(ii) Additional material.

(A) The Supplement Pertaining to General New Source Review in Albuquerque/Bernalillo County, New Mexico, as approved by the Albuquerque/Bernalillo County Air Quality Control Board on May 12, 1993.

(55)–(56) [Reserved]

(57) A revision to the New Mexico SIP addressing CO contingency measures and a proposed clean fuel vehicle fleet demonstration project for Albuquerque/Bernalillo County, outside the boundaries of Indian lands, was submitted by the Governor of New Mexico by cover letter dated November 12, 1993.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Regulation Number 35—Alternative Fuels, Section 35.02, "Oxygenated Fuels," Subsection 35.02(A)(1); Section

35.03, "Oxygenated Fuels Procedures Manual;" and Section 35.06, "Contingency Measures," as filed with the State Records and Archives Center on November 10, 1993.

(ii) Additional material.

(A) November 12, 1993, narrative plan addressing the Albuquerque/Bernalillo County CO nonattainment area, including the proposed clean fuel vehicle fleet demonstration project.

(58) A revision to the New Mexico State Implementation Plan (SIP) to include revisions to AQCRs 602, 605, 651, and 652, submitted by the Governor by cover letter dated January 28, 1994. The revision to AQCR 605 consists of removing AQCR 605 from the New Mexico SIP.

(i) Incorporation by reference.

(A) Revisions to New Mexico Air Quality Control Regulation 602-*Coal Burning Equipment-Sulfur Dioxide*, Section A.1, Section A.2, Section A.3, Section B.1, Section C.1, Section E.2.a, Section E.2.d, Section F.1.b, Section F.7 and Section G, as filed with the State Records and Archives Center on November 17, 1993.

(B) Revisions to New Mexico Air Quality Control Regulation 651-*Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions*, Section A, Section B, Section C, Section D, Section E, Section F, Section G and Section H, as filed with the State Records and Archives Center on November 17, 1993.

(C) Revisions to New Mexico Air Quality Control Regulation 652-*Non-ferrous Smelters-Sulfur*, Section B.2, Section C.1, Section D, Section G, Section H, Section I, Section J, Section K and Section L, as filed with the State Records and Archives Center on November 17, 1993.

(ii) Additional material.

(A) The document entitled "Hidalgo Smelter Sulfur Recovery Procedures," including appendix 1, "Physical Inventory for Sulfur Recovery Calculations," and appendix 2, "Monthly Sulfur Recovery Calculation."

(59) A revision to the New Mexico State Implementation Plan for Transportation Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 "Transportation Conformity" as adopted on November 9, 1994 and filed with the State

Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994. No action is taken on AQCR No. 42 Section 11.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation (AQCR) No. 42 "Transportation Conformity" as adopted on November 9, 1994 and filed with the State Records and Archives Center on December 16, 1994. No action is taken on AQCR No. 42 Section 11.

(ii) Additional material. None.

(60) A revision to the New Mexico State Implementation Plan for General Conformity: Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 "General Conformity" as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994, was submitted by the Governor on December 19, 1994.

(i) Incorporation by reference.

(A) Albuquerque/Bernalillo County Air Quality Control Regulation No. 43 "General Conformity" as adopted on November 9, 1994, and filed with the State Records and Archives Center on December 16, 1994.

(61) A revision to the New Mexico SIP to update the Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment to reflect EPA's approval for lifting the construction ban in Bernalillo County, superseding the supplement dated April 14, 1993.

(i) Incorporation by reference.

(A) October 12, 1994 Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment as approved by the Albuquerque/Bernalillo County Air Quality Control Board on November 9, 1994.

(62) The Governor of New Mexico submitted revisions to 20 New Mexico Administrative Code 2.74 on June 26, 1995, to incorporate changes in the Federal PSD permitting regulations for PM-10 increments.

(i) Incorporation by reference.

(A) Revisions to 20 New Mexico Administrative Code 2.74, effective July 20, 1995.

(63) A revision to the New Mexico SIP approving a request for redesignation to attainment, a vehicle inspection and maintenance program, and the required maintenance plan for the Albuquerque/Bernalillo County CO nonattainment area, submitted by the Governor on May 11, 1995. The 1993 emissions inventory and projections were included in the maintenance plan.

(i) Incorporation by reference.

(A) A letter from the Governor of New Mexico to EPA dated April 14, 1995, in which the Governor requested redesignation to attainment based on the adopted Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico.

(B) Albuquerque/Bernalillo County Air Quality Control Board Regulation No. 28, Motor Vehicle Inspection, as amended April 12, 1995 and effective on July 1, 1995.

(ii) Additional material. Carbon Monoxide Redesignation Request and Maintenance Plan for Albuquerque/Bernalillo County New Mexico, approved and adopted by the Air Quality Control Board on April 13, 1995.

(64)-(65) [Reserved]

(66) Recodified and revised regulations of the New Mexico Administrative Code submitted by the Governor on January 8, and July 18, 1996.

(i) Incorporation by reference.

(A) New Mexico Administrative Code, Title 20, Chapter 2, Parts 1 and 2, adopted by the New Mexico Environmental Improvement Board September 22, 1995, and filed with the State Records and Archives Center on September 27, 1995.

(B) New Mexico Administrative Code, Title 20, Chapter 2, Parts 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 31, 32, 33, 34, 40, 41, 60, 61, 70, 71, 72 (Subparts I, II and, III; Subpart V, Sections 501 and 502), 73, 75, 79, and 80; adopted by the New Mexico Environmental Improvement Board on October 20, 1995, and filed with the State Records and Archives Center on October 30, 1995.

(C) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 3, Sections 109 and 111 and; Part 61, Section 111 and; repeal of Part 3, Section 112, adopted by the New Mexico Environmental Improvement Board December 8, 1995, and filed with the State Records and Archives Center on December 11, 1995.

(D) New Mexico State Records Center transmittals repealing Air Quality Control Regulations 705 and 706; adopted by the New Mexico Environmental Improvement Board December 8, 1995; and filed with the State Records and Archives Center on December 11, 1995.

(E) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 72, Section 103; adopted by the New Mexico Environmental Improvement Board on June 18, 1996, and filed with the State Records and Archives Center on June 19, 1996.

(ii) Additional material. None.

[37 FR 10881, May 31, 1972. Redesignated and amended at 63 FR 37495, July 13, 1998]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1620, see the List of CFR Sections Affected in the Finding Aids section of this volume.